

19781

PCT

## TRANSMITTAL LETTER TO THE UNITED STATES

## DESIGNATED/ELECTED OFFICE (DO/EO/US)

## CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.  
PCT/AU2004/001440INTERNATIONAL FILING DATE  
20 October 2004 (20.10.2004)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10576, 906

PRIORITY DATE CLAIMED

21 October 2003 (21.10.2003)\*

## TITLE OF INVENTION

HBV VARIANTS DETECTION AND APPLICATION

SEP 13 2007

PATENT &amp; TRADEMARK OFFICE

## APPLICANT(S) FOR DO/EO/US

Angeline Ingrid BARTHOLOMEUSZ, Stephen Alister LOCARNINI, Anna AYRES, Lilly Ka Wai YUEN, and Joseph John SASADEUSZ

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A power of attorney and/or change of address letter.
19.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21.  A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22.  Express Mail Label No. EV 823101733 US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
		PCT/AU2004/001440			
23. Other items or information:					
<p>*Continuation of Priority Date Claimed: 25 February 2004 (25.02.2004)</p> <p>Courtesy copy of International Application</p> <p>Fifty-five (55) sheets of drawings</p> <p>Forty-nine (49) sheets of sequence listing</p> <p>Assignees: MELBOURNE HEALTH of Parkville, Melbourne, Australia; AUSTIN HEALTH of Heidelberg, Victoria, Australia; SOUTHERN HEALTH, of Clayton, Victoria, Australia; BAYSIDE HEALTH of Melbourne, Victoria Australia; and ST. VINCENT'S HOSPITAL (MELBOURNE) LTD., trading as ST. VINCENT'S HOSPITAL MELBOURNE of Fitzroy, Victoria, Australia</p>					
The following fees have been submitted:				CALCULATIONS	PTO USE
24. <input checked="" type="checkbox"/> Basic national fee .....				\$ 300	\$ 300.00
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....				\$ 0	\$ 200.00
All other situations .....				\$ 200	
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....				\$ 0	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority .....				\$ 100	\$ 400.00
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB .....				\$ 400	
All other situations .....				\$ 500	
TOTAL OF 24, 25 and 26 =				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE	
209 - 100 =	109 /50 =	3		x \$250.00	\$ 750.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	83 - 20 =	63	x \$50.00	\$ 3,150.00	
Independent claims	12 - 3 =	9	x \$200.00	\$ 1,800.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input checked="" type="checkbox"/> + \$360.00				\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 7,090.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 7,090.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 7,090.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 7,090.00	
				Amount to be	\$
				Amount to be	\$



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<sup>†</sup>NJ BAR ONLY

Re: USSN: 10/576,906  
Angeline Ingrid Bartholomeusz, et al.  
Our Docket: 19781

Dear Sirs:

The Filing Receipt for the above-identified patent application does not include the Assignment for Published Patent Application. It should read as follows:

**Assignment for Published Patent Application**  
**Melbourne Health of Parkville, Melbourne, Australia**  
**Austin Health of Heidelberg, Victoria, Australia**  
**Southern Health of Clayton, Victoria, Australia**  
**Bayside Health of Melbourne, Victoria, Australia**  
**St. Vincent's Hospital Melbourne of Fitzroy, Victoria Australia**

as indicated on the enclosed pages. Please make the corrections and send us a corrected Filing Receipt.

Very truly yours,  
*[Signature]*  
Scully, Scott, Murphy & Presser, P.C.

SSM&P/tw  
Encl.



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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/576,906	02/14/2007	1645	7090	19781	52	12

## CONFIRMATION NO. 7415

272  
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## FILING RECEIPT



\*OC000000024754190\*

Date Mailed: 07/11/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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**Power of Attorney:** The patent practitioners associated with Customer Number 272.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/AU04/01440 10/20/2004

## Foreign Applications

AUSTRALIA 2003905776 10/21/2003  
 AUSTRALIA 2004900962 02/25/2004

If Required, Foreign Filing License Granted: 07/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/576,906**

Projected Publication Date: 10/18/2007

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Hbv Variants Detection and Application

**Preliminary Class**

435

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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#### **Title 37, Code of Federal Regulations, 5.11 & 5.15**

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